



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.ircgov.com

Meeting Minutes - Final

Board of County Commissioners

Chairman, Joseph E. Flescher, District 2
Vice Chairman, Peter D. O'Bryan, District 4
Commissioner Susan Adams, District 1
Commissioner Joseph H. Earman, District 3
Commissioner Laura Moss, District 5

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, December 8, 2020

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. Instructions can be found at the end of this agenda and also online at www.ircgov.com.

1. CALL TO ORDER

Present: 5 - Chairman Joseph Flescher
Vice Chairman Peter O'Bryan
Commissioner Susan Adams
Commissioner Joe Earman
Commissioner Laura Moss

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

2.B. INVOCATION

Pastor Randy Fullerton, Glendale Baptist Church

3. PLEDGE OF ALLEGIANCE

Chairman Joseph E. Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Agenda as presented. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

6. APPROVAL OF MINUTES

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION

- 7.A. [20-2171](#) Commissioner Committee Assignments for 2021

Attachments: [Commissioner's Memorandum Assignments Letter](#)

No Action Taken or Required

- 7.B. [20-2191](#) Resignation of Joseph Leo George, as Citizen Member Appointee to the Value Adjustment Board

Attachments: [Resignation of Joseph Leo George - VAB RESIGNATION LTR FM J GEORGE](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling items 8.A. and 8.B. for discussion. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

- 8.A. [20-2185](#) Checks and Electronic Payments November 13, 2020 to November 19, 2020

Attachments: [Finance Department Staff Report](#)

County Administrator Jason Brown clarified certain issued payments in response to questions from Commissioner Moss.

Tom Sullivan, 4187 W 16th Square, received clarification on the County's accounting process.

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 13, 2020 to November 19, 2020. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

- 8.B. [20-2196](#) Checks and Electronic Payments November 20, 2020 to November 26, 2020

Attachments: [Finance Department Staff Report](#)

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 20, 2020 to November 26, 2020. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

8.C. [20-2200](#) Resolutions Cancelling Taxes on Properties Purchased for Public Purpose: Right-Of-Way for 58th Avenue and 37th Street Intersection Improvements from Robert Matthews, joined by his wife, Becky Sue Matthews; and 66th Avenue Right-Of-Way from Billy W. Jackson and Christine Jackson, husband and wife

Attachments: [Staff Report](#)
 [Resolution \(Matthews\)](#)
 [Resolution \(Jackson\)](#)

Approved Resolutions 2020-109 (Matthews) and 2020-110 (Jackson), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.D. [20-2170](#) 43rd Avenue Sidewalk from Airport Drive West to 41st Street Final Payment, Release of Retainage, and Change Order No. 1, IRC-1503

Attachments: [Staff Report](#)
 [Change Order No. 1](#)
 [Change Order No. 1](#)

Approved staff's recommendation

8.E. [20-2197](#) Indian River County Library LSTA Grant Award and Agreement

Attachments: [Staff Report](#)
 [LSTA Expanding Technology Grant](#)
 [Grant Form LSTA 20-21](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. [20-2155](#)

The Virginia W. Russell Family Limited Partnership and Segment Markets 85, Inc.'s Request to Rezone Approximately 78.29 Acres from MED, Medical to PD, Planned Development and to Obtain Conceptual PD Plan Approval for a Project to be known as Harbor Bluffs PD [PD-20-09-02 / 99040218-87279] (QUASI-JUDICIAL)

Attachments: [Staff Report](#)[Location Map](#)[Aerial](#)[Excerpt from Draft November 12, 2020 PZC Minutes](#)[PD Rezoning Ordinance](#)[Conceptual PD Plan](#)[Alternate Conceptual PD Plan - Single Family and Villas](#)[Conceptual Landscape Plan](#)

Chairman Flescher introduced the parties for the proceeding as being Indian River County, the Virginia W. Russell Family Limited Partnership, and Segment Markets 85, Inc. Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Chief of Current Development Ryan Sweeney presented details of Segment Market 85's requests to rezone the property and obtain approval of the conceptual Planned Development (PD) plan for Harbor Bluffs PD, located south of 41st Street, between Indian River Boulevard and US-1.

Discussion ensued between Commissioners and staff regarding the zoning and PD approval process, as well as details of this project.

The Chairman opened the public hearing.

The following people addressed the Board:

Stephen Moler, Masteller and Moler Inc.

Tom Sullivan, 4187 W 16th Square

Andy Spalding, 1479 Lily's Cay

Bob Mantek, 1466 Lily's Cay

Jean Catchpole, 526 Fiddlewood Road

Jacobus Koolen, 1418 Lily's Cay

Karen Wyderski, 1407 Lily's Cay

Discussion resumed between the Board and staff to address traffic concerns.

The Chairman called for a recess at 11:15 a.m., and reconvened the meeting at 11:26 a.m. with all members present.

Chairman Flescher resumed the meeting with confirmation that all evidence entered had been received by the Deputy Clerk. There being no further comments, the Chairman closed the public hearing.

The Commissioners wrapped up final discussion and issued closing remarks.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendations and adopt Ordinance 2020-019, amending the Zoning Ordinance and the accompanying Zoning Map from MED, Medical, to PD, Planned Development, for approximately 78.29 acres of land generally located on the south side of 41st Street, west of Indian River Boulevard, and east of US Highway 1 and described herein and providing for an effective date. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

The Chairman called for a recess at 11:52 a.m., and reconvened the meeting at 12:03 p.m. with all members present.

10.A.2. [20-2192](#) Shadow Brook Subdivision Water Assessment Project - Resolution III: Public Hearing and Utility Easement

Attachments: [Staff Report](#)
[Assessment Area Map Confirming](#)
[Resolution No III with Assessment Roll](#)
[Resolution Utility Easement](#)

Director of Utility Services Vincent Burke presented background and details of the Shadow Brook Subdivision Water Assessment Project. He noted that this was the final public hearing on the issue before the special assessment would be levied.

The Chairman opened the public hearing.

Larry Cherry, 5860 34th Street, thanked the Board on behalf of Shadow Brook residents.

There being no further comments, the Chairman closed the public hearing.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve: 1) Resolution 2020-111, confirming the special assessments in connection with a water main extension from 58th Avenue to 34th Street, including 58th Court and 34th Lane within Shadow Brook Subdivision and certain specially benefited properties abutting 34th Street, 58th Court and 34th Lane, located within unincorporated Indian River County, Florida; and providing for special assessment liens to be made of record; and 2) Resolution 2020-112, formally accepting an easement for utility purposes only, over, across and under the private road right-of-way of 34th Street, 58th Court and 34th Lane, located in Shadow Brook Subdivision in unincorporated Indian River County, Florida. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

B. PUBLIC DISCUSSION ITEMS

10.B.1. [20-2199](#) Request to Speak from Jacqueline A. Grady Regarding Release of Property from Lien 1926 4th Ave

Attachments: [Public Discussion Request Jacqueline A. Grady](#)

Jacqueline A. Grady appeared before the Board via Zoom to request assistance in obtaining a property release document which would enable her to close on the purchase of a residence. County Attorney Dylan Reingold advised that his office was in negotiation with the seller's counsel to resolve the issue. By consensus of the Board, Attorney Reingold received approval to issue the release of lien upon completion of the seller's debt obligation.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS**11. COUNTY ADMINISTRATOR MATTERS****12. DEPARTMENTAL MATTERS****A. Community Development****B. Emergency Services****C. General Services****D. Human Resources****E. Information Technology****F. Office of Management and Budget****G. Public Works****12.G.1. [20-2194](#)** Research Review Phase of the IRC Lagoon Management Plan: Update 2

Attachments: [Staff Report](#)
[A - Research Plan Timeline](#)
[B - Supporting Research](#)

Molly Klinepeter, Lagoon Plan Environmental Specialist, used a PowerPoint presentation to provide a second update of the Research Review Phase of the Indian River Lagoon Management Plan. Her report covered several topics: ecosystem functions and habitat use, harmful algal blooms, State and Regulatory review of rules, total nitrogen and phosphorus concentrations, and land use changes. Her report concluded with a look forward to the next phases of research and plan development.

Discussion ensued between staff and the Commissioners as each expressed their concerns and aspirations regarding the future of the Indian River Lagoon.

The following people addressed the Board:

Paul Fafeita, President, Clean Water Coalition
Dr. Richard Baker, President, Pelican Island Audubon Society
Jean Catchpole, Chairman, Indian River Neighborhood Association Water and Lagoon Committee

No Action Taken or Required

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

- 13.A.** [20-2201](#) Approval of Agreed Order of Take for a Parcel of Right-Of-Way Located at 6600 65th Street, Vero Beach, FL 32967 Owned by Harish and Deepti Sadhwani

Attachments: [Staff Report](#)

[aerial of parent parcel; sketch/legal of row and pond](#)

[Agreed Order of Take \(w/o exhibits\)](#)

[Attorney Doney Memorandum](#)

Deputy County Attorney Bill DeBraal provided the history of negotiations for the Sadhwani parcel which led to the filed Order of Take, and a scheduled hearing. He informed that further negotiation ensued and resulted in an Agreed Order of Take that outlined the cost and conditions for the purchase of the property by the County.

The County's outside counsel, William Doney, Esq., appeared via Zoom to provide an explanation of the eminent domain process and his recommendation to approve the Agreed Order of Take.

Board discussion followed, with Vice Chairman O'Bryan expressing disapproval at the high per-acre cost.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Commissioner Adams, Commissioner Earman, and Commissioner Moss

Nay: 1 - Vice Chairman O'Bryan

14. COMMISSIONERS MATTERS

- A. Commissioner Joseph E. Flescher, Chairman
- B. Commissioner Peter D. O'Bryan, Vice Chairman
- C. Commissioner Susan Adams
- D. Commissioner Joseph H. Earman
- E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:45 p.m.